

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**IN RE: DEALER MANAGEMENT
SYSTEMS ANTITRUST LITIGATION**

**MDL No. 2817
Case No. 18 C 864**

This Document Relates to All Cases

**DECLARATION OF LEONARD A. BELLAVIA IN SUPPORT OF THE MOTION FOR
APPOINTMENT OF MILBERG TADLER GROUP TO LEAD THE DEALERSHIP
CLASS ACTION**

Leonard A. Bellavia, an attorney admitted to practice in the courts of the State of New York, declares pursuant to 28 U.S.C. § 1746:

1. I am co-counsel for plaintiff Teterboro Automall, Inc., who filed the first complaint on behalf of auto dealerships on October 19, 2017. This complaint was transferred to this Court by order of the Judicial Panel on Multidistrict Litigation on February 1, 2018 and is related to the above-captioned litigation by Order of this Court dated February 15, 2018. I am also co-counsel for plaintiffs JCF Autos LLC, Jericho Turnpike Sales LLC, and Patchogue 112 Motors LLC who collectively filed one complaint on November 22, 2017. That complaint was also transferred to this Court and related to this litigation.

2. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.
3. I submit this declaration in support of the Motion For Appointment of the Milberg Tadler Group To Lead The Dealership Class Action.

I. BELLAVIA BLATT IS A NATIONALLY RECOGNIZED AND PREEMINENT RETAIL AUTOMOBILE DEALER LAW FIRM

4. I am the founding partner of Bellavia Blatt, P.C. ("Bellavia Blatt") located in Mineola, New York. Since 1987, our law firm has been at the forefront of operational and legal issues that confront automobile dealers on a daily basis. There are over 18,000 franchised automobile dealerships and just as many independent dealerships in the United States.
5. Bellavia Blatt, since the early 1990s, has been widely regarded in the industry and is nationally recognized as one of the pre-eminent dealership law firms in the country. Bellavia Blatt has served as lead dealer counsel in the most noteworthy cases in the industry, including the historic Chrysler Bankruptcy, and is the law firm that initiated involuntary bankruptcy proceedings against Saab, having represented almost all of the former Saab dealers nationwide.
6. Based upon its experience and reputation over the past 30 years, the firm has become general and outside counsel to numerous national, state and local dealer associations.
7. I am a member, and was a founding member in 2004, of the Board of Directors of the National Association of Dealer Counsel ("NADC"). This is the nation's preeminent professional organization of attorneys who concentrate their careers in the representation of franchised automobile dealers. The NADC is an exclusive association of 600 attorneys who meet and communicate regularly to stay current on all legal and operational issues

affecting the automotive industry in the context of representing franchised automobile dealers. Based upon my thirty five (35) years of experience representing automobile dealers, I was selected by NADC to hold the position of the Chair of its Litigation Section for 9 years.

8. In the attached a declaration of Andy Weill, Esq., the current President of NADC outlines the mission of the organization and my role in the auto industry as a nationally recognized expert in automotive franchise law. A true and correct copy of the affidavit of Andy Weil, is attached hereto as Exhibit 1.
9. In addition, Bellavia Blatt serves as outside General Counsel to the New York State Automobile Dealers Association (“NYSADA”), the statewide trade association representing approximately 1,000 franchised dealers. The Declaration of Robert Vancavage, President of the New York State Automobile Dealers Association details the mission and breadth of the NYSADA, as well as his support for Bellavia Blatt and the Milberg Tadler Group. A true and correct copy of the Declaration of Robert Vancavage is attached hereto as Exhibit 2.
10. The firm has similar statewide and regional roles serving as outside General Counsel in other states including New Jersey, Kentucky, Pennsylvania, New Mexico, Ohio; and serves as the General Counsel to the National Marine Dealers Association and is the sole referral source for its 3,000 dealer members.

II. BELLAVIA BLATT ACTS FOR THOUSANDS OF CAR DEALERSHIPS AND HAS UNSURPASSED EXPERIENCE IN DEALER ISSUES

11. I currently represent several thousand auto dealers in various matters including litigation against vendors and manufacturers as well as the purchase and sale of dealerships

12. Our firm has handled numerous lawsuits on behalf of franchised dealers located over the fifty states against vendors.

13. Bellavia Blatt currently represents large groups of dealers in mass action lawsuits, such as:

- 1063 franchised dealerships against Carfax alleging anti-trust conduct in the vehicle history report market;
- 170 former franchised Chrysler dealers against the US Government alleging the unconstitutional “Taking” of dealerships under the 5th Amendment arising out of the Chrysler Bankruptcy proceedings;
- 300 franchised dealerships against TrueCar claiming false advertising violations under the Lanham Act;
- 75 dealers against the Tribune Company for anti-trust violations in selling print ads to dealers; and
- 163 former Saab dealers in the Saab Bankruptcy.

A true and correct copy of a Bellavia Blatt publication of our litigation highlights is attached hereto as Exhibit 3.

14. I am a regularly quoted source of commentary for *Automotive News and Auto Dealer Monthly* with respect to notable cases that Bellavia Blatt has handled or concerning issues of national significance in the automotive industry. I am also a regular speaker for national automotive and marine-related trade organizations. Attached as Exhibit 4 are samples of the automotive trade articles in which I have been quoted or that reference some of the many significant automobile industry related cases that Bellavia Blatt has handled.

III. BELLAVIA BLATT INVESTIGATED DEALERS' LONGSTANDING CONCERNS WITH DMS

15. Bellavia Blatt liaised with many retail automotive dealers – not just the named plaintiffs – and they frequently raised their concerns about the pricing of DMS and the increased costs and restrictions of data integration.
16. In investigating these claims along with Milberg Tadler attorneys and investigators, and preparing the *Teterboro* Complaint, I reviewed substantial financial records, contractual documents, and other materials produced by members of the putative Dealership Class, expending significant time and resources.
17. I also reviewed and analyzed the publicly-available briefing, documentation, and the decisions of the District Court of Wisconsin and the Seventh Circuit Court of Appeal, in the individual actions against defendants, *Motor Vehicle Software Corp. v. CDK Global, LLC.*, No. 2:17-cv-00896 (C.D. Cal filed Feb. 3, 2017) and *Authenticom, Inc. v. CDK Global LLC*, No. 3:17-cv-00318 (W.D. Wis. filed May 1, 2017).

I declare under penalties of perjury, under the laws of the United States, that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 23rd day of March, 2018.



Leonard A. Bellavia